

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

JULY 1, 2014

Be it remembered that the regular meeting of the Tupelo City Council was held in the Council Chambers at City Hall Building on Tuesday, July 1, 2014, at 6:00 p.m. with the following in attendance: Council Members Markel Whittington, Lynn Bryan, Jim Newell, Nettie Y. Davis, Buddy Palmer, Mike Bryan and Willie Jennings; City Attorney Ben Logan; and Glenda Muse, Clerk of the Council.

The invocation was led by Council Member Lynn Bryan, followed by the Pledge of Allegiance led by Council Member Buddy Palmer.

IN THE MATTER OF CALLING THE MEETING TO ORDER

President Davis called the regular meeting to order at 6:00 p.m.

IN THE MATTER OF CONFIRMATION OR
AMENDMENT OF AGENDA AND AGENDA ORDER

Upon a motion by Council Member M. Bryan and a second by Council Member Whittington, the council voted unanimously to confirm the agenda and agenda order, amended as follows:

ADD:	#5.1.A	PUBLIC HEARING – JOYNER OVERLAY DISTRICT
ADD:	#7.12	MINUTES OF PLANNING COMMITTEE MEETING OF JUNE 2, 2014
ADD:	#7.13	MINUTES OF PLANNING COMMITTEE MEETING OF JUNE 23, 2014
ADD:	#7.14	MINUTES OF HISTORIC PRESERVATION COMMISSION MEETING OF MAY 8, 2014

4. PROCLAMATIONS, RECOGNITIONS AND REPORTS AGENDA

IN THE MATTER OF RECOGNITION OF BOY/GIRL SCOUTS

No scouts were present for recognition.

IN THE MATTER OF RECOGNITION OF CITY EMPLOYEES

Mayor Shelton recognized the following employees for their years of dedicated service to the citizens of the City:

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

JULY 1, 2014

Jimmy Farnham	Development Services	5 years
Jacob McCord	Water & Light Dept.	10 years
Amy Cooper	Tupelo Police Dept.	15 years
David Harville	Tupelo Police Dept.	15 years
Alan Gilbert	Tupelo Police Dept.	20 years

Mayor Shelton read a letter addressed to Fire Chief Thomas Walker from George A. Smith, Jr., Director of the Tupelo Regional Airport. An incident had occurred on a runway recently causing the aircraft to catch on fire and putting the pilot in great danger. Mr. Smith stated the firefighters had done an outstanding job in responding to the accident. He said the firemen showed skilled professionalism both in containing the fire and in giving special attention to the pilot. He asked that the following firefighters be given a special commendation for their response to this accident: Battalion Chief Mike Thomas, Matt Armstrong, Marty Stephens, Michael Weatherby, Jake Bennett, Mark Patton, Tyler Scott, Cindy Jones, Andy Sheffield, Wilson Weaver, Firefighter Traylor and Kristen Skewe.

Shane Hooper, Director of the Development Services Department, recognized Debra Byrd, Code Enforcement Officer of that Department. Ms. Byrd had recently been awarded the "Code Enforcement Officer of the Year Award" by the Buildings Officials of the State of Mississippi.

IN THE MATTER OF PUBLIC RECOGNITIONS

Council Member Palmer said he had been contacted recently by a citizen whose home located on Lynn Circle had been destroyed by the tornado. The owners had visited the Development Services Department and offered high praise for the assistance received and for such gracious treatment by the staff. They especially wanted to commend Debra Byrd, Pauline Hereford and David Wammack of the Development Services Department.

Mayor Shelton introduced several members of the committee that has been formed in the Joyner area who will oversee the rebuilding and revitalization of their neighborhood. Five volunteers have been selected by the Mayor and City Council to serve in this capacity.

Mayor Shelton next commended the City of Tupelo Waste Water Treatment Facility staff and stated he was very proud of the Tupelo Water and Light Department employees involved with this operation. The Tupelo facility had recently been recognized by the Mississippi Water Environment Association for being the "State of Mississippi Outstanding Waste Water Treatment Facility of 2013" and had received a plaque in recognition of this honor.

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

JULY 1, 2014

Johnny Timmons, Manager of the Tupelo Water and Light Department, introduced Clay Sikes, President of ESG Operations, Inc. which oversees the operations, maintenance and management services of the plant; Chris Holloway, operator of the facility; and Greg Reed, Superintendent of Water and Sewer Operations. Jack Palmer, Engineer for Cook Coggin Engineers, Inc., was present as well. Mr. Palmer had designed the building.

Council Member Nettie Davis reminded everyone of the George Washington Carver School Annual Reunion which is scheduled for the July 4th weekend. She said people from all over the United States who were former students were expected to be in town for the event.

Mayor Shelton next presented City Council President Nettie Y. Davis with a plaque for her having served the City Council as President for the past year. He pointed out that Mrs. Davis had made history in having been the first African-American and first woman to serve in this capacity in the City's history.

IN THE MATTER OF MAYOR'S REPORT

Mayor Shelton began his report by offering his congratulations to Councilmen Lynn Bryan and Buddy Palmer on completing their first year of service on the City Council. He offered his thanks to each and every one of the council members for their leadership, support and contribution to the city and their willingness to serve on the Tupelo City Council.

The Mayor invited everyone to bring their families and come out to Fairpark on July 4 to the annual Tupelo Fourth of July Celebration. A committee of employees and volunteers work very hard to make this an exciting event for everyone each year.

(President Davis then closed the regular meeting and opened the Public Agenda.)

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

JULY 1, 2014

5. PUBLIC AGENDA

5.1 PUBLIC HEARINGS

5.1.A LOT MOWING OF PROPERTIES

No one appeared to address this issue.

5.1.B JOYNER OVERLAY DISTRICT

At the request of President Davis, this item will be postponed until July 3, 2014.

(President Davis then closed the Public Agenda and the Council returned to regular session.)

6. ACTION AGENDA

IN THE MATTER OF CONSIDERATION OF ELECTION OF CITY COUNCIL OFFICERS

Upon a motion by Council Member Whittington, seconded by Council Member L. Bryan, Council Member Mike Bryan was unanimously elected to serve as President of the Tupelo City Council for the next year. Upon a motion by Council Member Whittington, seconded by Councilman Jennings, Council Member Buddy Palmer was elected to serve as Vice-President of the Tupelo City Council for the next year.

Council Member Mike Bryan then assumed the Chair after having presented Councilwoman Davis with a gift of flowers from the Council.

IN THE MATTER OF REVIEW/RATIFY MAYOR'S PROCLAMATION OF CONTINUING EXISTENCE OF LOCAL EMERGENCY AND DESIGNATION OF A DISASTER AREA IN THE CITY OF TUPELO, MISSISSIPPI

On April 28, 2014, a devastating tornado struck the City of Tupelo causing widespread damage. These conditions of extreme peril necessitated the Mayor's proclamation of the existence of a local emergency and the declaration of the property located within the limits of the city as a disaster area, which proclamation was ratified by resolution of the City Council continuing the local emergency and designation of a

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

JULY 1, 2014

disaster area at a regular meeting of the City Council on May 6, 2014.

On June 17, 2014, the Mayor proclaimed that the local emergency continued to exist and the designated boundaries of the City of Tupelo continued to be a disaster area. Upon a motion by Council Member Palmer and a second by Council Member L. Bryan, the council voted unanimously to approve a Resolution Approving Mayor's Proclamation of the Continuing Existence of Local Emergency and Designation of a Disaster Area in the City of Tupelo, Mississippi, dated June 17, 2014, continuing the local emergency and designation of a disaster area. An executed copy of this Resolution is attached to these minutes and incorporated herein as **APPENDIX A.**

IN THE MATTER OF REVIEW/ADOPT AMENDMENTS TO TUPELO
DEVELOPMENT CODE TO ESTABLISH CONSERVATION OVERLAY DISTRICTS

This item was tabled at the regular City Council meeting of June 17, 2014, and at the request of President Bryan will remain on the table.

7. ROUTINE AGENDA

IN THE MATTER OF REVIEW/APPROVE MINUTES OF SPECIAL CALLED
COUNCIL MEETING AND MINUTES OF REGULAR CITY COUNCIL MEETING

Upon a motion by Council Member Newell, seconded by Council Member Palmer, the council voted unanimously to approve the minutes of a special-called council meeting of Tuesday, June 10, 2014, and the minutes of the regular City Council meeting of Tuesday, June 17, 2014.

IN THE MATTER OF REVIEW/PAY BILLS

Upon a motion by Council Member L. Bryan, seconded by Council Member Whittington, the council voted unanimously to approve payment of the following checks, bills having been reviewed at 4:30 p.m. by Council Members Whittington, L. Bryan, Newell, Palmer, M. Bryan and Jennings:

Check Nos. 121690 through 122126 (Pool Cash Fund)
Electronic transfers as shown on the face of the docket.
Invoices as shown on the face of the docket.
Requests made by AFLAC to reimburse employees under Flex-One
Plan as shown on the face of the docket.

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

JULY 1, 2014

IN THE MATTER OF REVIEW/APPROVE HOMELAND SECURITY GRANT

Terri Blissard, Grant Administrator, had submitted an award letter and grant contract to the Mayor and City Council for 2014-2015 statewide Homeland Security project coordinator services. The Mississippi Office of Homeland Security had allocated \$50,000 in grant funding for project Coordinator William Grantham's salary and expenses from July 1, 2014, through June 30, 2015. Mr. Grantham has worked with this region for several years, and the contract represents a routine pass-through grant renewal. The terms of the grant remain the same as in previous years.

Upon a motion by Council Member Davis, seconded by Council Member Whittington, the council voted unanimously to approve the Homeland Security Cooperative Agreement between the City of Tupelo and Mississippi Department of Public Safety in order that the budget may be amended for these funds.

IN THE MATTER OF REVIEW/APPROVE FY 2014 BUDGET REVISION #6

Upon a motion by Council Member Newell and a second by Council Member Jennings, the council voted unanimously to approve FY 2014 Budget Revision #6, a copy being attached to these minutes as **APPENDIX B.**

IN THE MATTER OF REVIEW/APPROVE CHANGE IN PETTY CASH ACCOUNT

Kim Hanna, Chief Financial Officer, had submitted a request to the City Council that Pat Falkner of the Tupelo Development Services Department be named the person responsible for that department's petty cash account. Upon a motion by Council Member Palmer, seconded by Council Member Whittington, the council voted unanimously to approve this request.

**IN THE MATTER OF REVIEW/APPROVE MEMORANDUM OF UNDERSTANDING
BETWEEN CITY OF TUPELO AND UNIVERSITY OF MISSISSIPPI LAW SCHOOL
REGARDING LEGAL EXTERNS**

Upon a motion by Council Member L. Bryan and a second by Council Member Palmer, the council voted unanimously to approve an Externship Program Memorandum of Understanding between the City of Tupelo and the University of Mississippi School of Law. This program involves the placement of second and third year law students with public service, governmental, judicial and not-for-profit organizations. The students earn academic credit as part of their externship placement but will receive no pay or compensation for participating in the program. An executed copy of this MOU setting

**MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI**

JULY 1, 2014

forth the general principles of the program is attached to these minutes and incorporated herein as **APPENDIX C.**

IN THE MATTER OF REVIEW/APPROVE SOLE SOURCE PURCHASE BY TUPELO POLICE DEPARTMENT

Chief Bart Aguirre of the Tupelo Police Department had sent a request to the Tupelo City Council for approval to purchase a Cellebrite TU 4PC USU Kit from a sole source vendor, Cellebrite USA, Inc. Upon a motion by Council Member Whittington, seconded by Council Member Palmer, the council voted unanimously to approve the sole source vendor. A copy of a letter identifying this company as the sole developer and provider for this system is attached to these minutes and made a part hereof as **APPENDIX D.**

IN THE MATTER OF REVIEW/APPROVE REQUEST TO SURPLUS CERTAIN ITEMS AND TURN OVER TO LEE COUNTY SHERIFF'S OFFICE

Chief of Police Bart Aguirre had submitted a request to the City Council to surplus two computers and one monitor which were purchased by that Department with funds from a shared grant with the Lee County Sheriff's office. After having been declared as surplus, they will be turned over to the Lee County Sheriff's Office.

Upon a motion by Council Member Newell and a second by Council Member L. Bryan, the council voted unanimously to declare these items as surplus and then turn them over to the Lee County Sheriff's Office. A copy of Chief Aguirre's memo describing the items is attached to these minutes and made a part hereof as **APPENDIX E.**

IN THE MATTER OF REVIEW/APPROVE AMENDMENT TO PROFESSIONAL SERVICES AGREEMENT BETWEEN CITY AND JBHM ARCHITECTS, P. A. FOR DUAL PURPOSE COMMUNITY SHELTERS

Upon a motion by Council Member Davis, seconded by Council Member Whittington, the council voted unanimously to approve an Amendment to the Professional Services Agreement between the City of Tupelo and JBHM Architects, P. A. for the Dual Purpose Community Shelter for Theron Nichols and Lee Acres, Tupelo, Mississippi, Project. A copy of the agreement is attached to these minutes and incorporated herein as **APPENDIX F.**

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

JULY 1, 2014

IN THE MATTER OF REVIEW/APPROVE LIST OF LOT MOWINGS OF PROPERTIES

Council Member Newell moved to approve a listing of lot mowings submitted by the Department of Development Services as being in such a state of uncleanness as to be a menace to public health, safety and welfare of the community, thereby authorizing the department to proceed with mowing of these properties. The motion was seconded by Council Member Palmer and unanimously passed by a vote of the council. A copy of this listing is attached to these minutes as **APPENDIX G.**

IN THE MATTER OF REVIEW/APPROVE TRANSFER OF WATER AND LIGHT COLLECTIONS TO BAD DEBT FILE

Upon a motion by Council Member L. Bryan, seconded by Council Member Palmer, the council voted unanimously to approve the write-off of a listing of Tupelo Water and Light Collections accounts to the bad debt file. The total amount of bad debt is \$44,565.77, representing a percentage of loss of .00136% for the period of January 2013 through June 2013. Efforts will continue to be made to collect these accounts even though they have been transferred.

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF PLANNING COMMITTEE MEETING

Upon a motion by Council Member Whittington, seconded by Council Member Palmer, the council voted unanimously to accept the minutes of the Planning Committee meeting of June 2, 2014, a copy being attached hereto as **APPENDIX H.**

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF PLANNING COMMITTEE MEETING

Upon a motion by Council Member Newell, seconded by Council Member L. Bryan, the council voted unanimously to accept the minutes of the Planning Committee meeting of June 23, 2014, a copy being attached hereto as **APPENDIX I.**

IN THE MATTER OF REVIEW/ACCEPT MINUTES OF HISTORIC PRESERVATION COMMISSION MEETING

Upon a motion by Councilman Palmer, seconded by Councilman Jennings, the council voted unanimously to accept the minutes of the Historic Preservation Commission meeting of May 8, 2014, a copy being attached hereto as **APPENDIX J.**

**MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI**

JULY 1, 2014

8. STUDY AGENDA

IN THE MATTER OF REVIEW/DISCUSS AMENDMENT OF SMOKING BAN ORDINANCE

This item will be moved to the next agenda.

IN THE MATTER OF REVIEW/DISCUSS APPLICATION FOR EXEMPTIONS FROM AD VALOREM TAXES FOR COOPER TIRE & RUBBER COMPANY

This item will remain on the Study Agenda.

IN THE MATTER OF REVIEW/DISCUSS APPLICATION FOR EXEMPTIONS FROM AD VALOREM TAXES FOR GENLYTE GROUP, LLC d/b/a DAY-BRITE/CAPRI/OMEGA

This item will be moved to the next agenda.

IN THE MATTER OF REVIEW/DISCUSS APPLICATION OF EXEMPTIONS FROM AD VALOREM TAXES FOR HAWKEYE INDUSTRIES, INC.

This item will be moved to the next agenda.

IN THE MATTER OF REVIEW/DISCUSS APPLICATION FOR EXEMPTIONS FROM AD VALOREM TAXES FOR LEGGETT & PLATT COMPONENTS COMPANY, INC.

This item will be moved to the next agenda.

IN THE MATTER OF REVIEW/DISCUSS ACCEPTING STONEBROOK DRIVE AS A CITY STREET

Upon a motion by Council Member L. Bryan, seconded by Council Member Palmer, the council voted unanimously to suspend the rules and move this item up for action at this time.

Upon a motion by Council Member L. Bryan, seconded by Council Member Palmer, the council voted unanimously to approve a Resolution Accepting Stonebrook Drive as a City Street. The owner and developer of Stonebrook Drive has requested that

MUNICIPAL MINUTES, CITY OF TUPELO
STATE OF MISSISSIPPI

JULY 1, 2014

the City of Tupelo accept this street for dedication to the public and maintenance by the city. Tupelo personnel have inspected this street and found it to be in excellent condition. Based on these staff recommendations, it would be in the best interest of the public convenience and

necessity that the street be so accepted for dedication to the public and maintenance by the city. An executed copy of the Resolution is attached to these minutes and incorporated herein as **APPENDIX K.**

IN THE MATTER OF RECESSING THE REGULAR MEETING OF TUESDAY, JULY 1, 2014

Upon a motion by Council Member Davis, seconded by Council Member Palmer, the council voted unanimously to recess the regular meeting of Tuesday, July 1, 2014, to Thursday, July 3, 2014, at 6:00 p.m.

ATTEST:

CLERK OF THE COUNCIL

PRESIDENT

APPROVED:

MAYOR